

Title 7
AGRICULTURE AND ANIMALS
Part XXIX. Horticulture Commission
Chapter 1. Horticulture

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§101. Administration of the Affairs of the Horticulture Commission

- A. In the absence of the chairman, the secretary shall preside at meetings of the commission.
- B. The chairman may designate a hearing officer, who may or may not be a member of the commission, to preside at all adjudicatory proceedings of the commission.
- C. The commission shall serve as a hearing body in all adjudicatory proceedings and shall make the final decision with respect to the disposition of all matters brought to adjudication.
- D. Whenever any member of the commission desires to be represented at any meeting of the commission, the member must give at least five working days prior written notice to the secretary, naming the individual who will represent the member at the meeting of the commission.
- E. Meetings of the commission shall normally be held at the domicile of the commission but may be held at other locations throughout the state upon the determination of the chairman of the commission.
- F. The commission shall be convened upon the call of the chairman.
- G. The commission may act to expel a member under the provisions of R.S. 3:3801(H) only after its intent to do so has been advertised to all members of the commission by placement of the expulsion matter on the agenda for the meeting at which the vote for expulsion will be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3814.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:183 (April 1982).

§102. Definitions

Arborist - any person trained in the care and removal of shade and ornamental trees. Shade and ornamental trees may be defined as those on an existing homesite or commercial property and those on property permitted for development for commercial or residential purposes. This definition shall also apply to any tree within 100 feet of any improvements on these properties.

Landscape Architect - any person that applies creative and technical skills and scientific, cultural and political knowledge in the planned arrangement of natural and constructed elements on the land with a concern for the stewardship and conservation of natural, constructed and human resources.¹

¹American Society of Landscape Architects (ASLA) Definition of Landscape Architecture, ASLA Member Handbook, adopted November 18, 1983.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3814.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Horticulture Commission, LR 26:627 (April 2000).

§103. Enforcement

A. Hearings

1. Investigative hearings shall be for the purpose of investigating alleged violations of the horticulture laws, rules and regulations.
2. Investigative hearings may be held upon the call of the commission. Such hearings may be held in any part of the state.
3. The chairman, the secretary, a member designated by the chairman, or a hearing officer designated by the commission who need not be a member of the commission, shall preside at investigative hearings. All witnesses shall be sworn or shall make affirmation.
4. Investigative hearings conducted by the commission shall be open to the general public.
5. If the commission determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall afford such person, upon request, an opportunity to appear as a witness; receive and dispose of requests from such persons to subpoena additional witnesses; and afford such person, or his attorney, upon request the opportunity to examine or cross-examine witnesses.
6. The director of the horticulture commission, upon approval of the chairman or secretary, is authorized to sign subpoenas which require the attendance and giving of testimony by persons who may possess any knowledge concerning any offense under investigation at an investigative hearing or for investigative purposes. The subpoena shall set forth reasonable grounds therefore, and shall order the person to appear at a designated time and place. The director may also order the issuance of a subpoena duces tecum as described above.
7. Whenever any person summoned under this regulation neglects or refuses to obey such summons or to produce books, papers, records or other data, or to give testimony as required, the commission may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.
8. A subpoena may be served by any person authorized by law to serve civil process, or by any agents of the commission, and the return made in writing by any such person shall be accepted as proof of service.
9. The commission is the sole judge of the pertinency of testimony and evidence adduced at

such hearings.

10. The attorney for the commission and that of any public agency which may be participating in the investigation shall have the right to be present at all hearings and shall have the right to examine or cross-examine any witness.
11. Witnesses at investigative hearings may be accompanied by their own counsel.
12. A copy of this regulation shall be made available to any witness and a copy shall be delivered at the time of making service, to each person upon whom a subpoena is served; in addition thereto each person upon whom a subpoena is served shall be informed in writing that the commission suggests that he consult his attorney and that his attorney should attend the hearing to advise him.
13. The commission may, in its discretion, issue a report upon the conclusion of any such investigative hearing.
14. As a result of such investigations, the commission may initiate adjudicatory proceedings against licensees, permittee, or persons engaged in any regulated profession or occupation, may refer matters to other public agencies and may take any other appropriate action.
15. Investigative hearings may be conducted jointly with other interested public agencies.
16. It shall not be necessary to publish any advance notice of any investigative hearing and it shall be necessary that subpoenas disclose the general nature of the investigation.
17. At all investigative hearings the testimony shall be recorded stenographically or otherwise. Upon payment of the costs thereof, and when authorized by the commission, a witness may obtain a transcript copy of his testimony given at a public session.

B. Access to Premises

1. Any authorized representative of the commission or of the commissioner shall have access to, and may enter at all reasonable hours, all places of business operated by license or permit holders or persons engaged in any regulated profession or occupation to perform horticultural inspections and/or investigations. Any information gained through utilization of the authority granted hereinabove in this Subsection shall be treated as confidential and shall be used only for the administration of this Chapter, provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding before the commission or the commissioner or in any court proceedings, and provided further, that nothing contained in this Section shall prevent the use of any information procured by the commission or the commissioner in the compiling and dissemination of general statistical data containing information procured from a number of licensees or permittee and compiled in such a manner as not to reveal individual information of any licensee or permittee.

C. Cease and Desist.

Upon determination of violation of law or rules and regulations, the commission may issue a cease and desist order describing with particularity the violative action and ordering the immediate cessation of said violative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:183

(April 1982), amended LR 9:410 (June 1983).

§105. Qualifications for Examination and Licensure or Permitting

- A. All applicants for examination and licensure or permitting under the provisions of R.S. 3:3801, et seq., must have attained their eighteenth birthday before taking an examination and before being issued a license or permit. Provided, however, that an applicant for examination who is 17 years of age, but who will attain his or her eighteenth birthday between regularly scheduled examinations may apply for and take the examination immediately prior to his or her eighteenth birthday. No applicant who qualifies to take an examination before his or her eighteenth birthday shall be issued a license or permit before attaining his or her eighteenth birthday.
- B. All applicants for the landscape architect examination must meet one of the following qualifications:
 - 1. holds a degree in landscape architecture, or holds a degree in another field with a minimum of the following credit hours earned from an accredited university or college curriculum:
 - a. 25 hours in Landscape Design;
 - b. 12 hours in Landscape Implementation (Construction);
 - c. 6 hours in Plant Science or Plant Identification;
 - d. 6 hours in Landscape Drawing or Graphics;
 - e. 3 hours in Landscape History;
 - f. 3 hours in Professional Practice;
 - g. and has completed an equivalent of one year internship under the direct supervision of a licensed landscape architect, landscape contractor, engineer, architect, or a licensed professional with a design or contracting firm;
 - 2. has completed the equivalent of six years of practical experience under the direct supervision of a licensed landscape architect, landscape contractor, or environmental designer. Must present a minimum of six examples of work in at least three of the following areas:
 - a. site design;
 - b. staking or layout plan;
 - c. grading plan;
 - d. irrigation plan;
 - e. construction details;
 - f. planting plan with a plant list;
 - g. specifications.Examples of work submitted become the property of the Commission.
 - 3. has a combination of education and experience equivalent to §105.B.1 and 2 above. In determining credit to be given for education other than in landscape architecture, the applicant may be given up to two years credit for a degree in horticulture/plant science, architecture, civil engineering, environmental design, or urban design.
- C. Any application received under §105.B.2 or 3 above shall be reviewed by a committee appointed by the commission to determine qualifications.
- D. All applicants for licensure must successfully complete the examination prescribed by the commission for the area in the practice of horticulture for which the license is sought.

Applicants for a landscape architect's license who are applying through reciprocity shall submit

evidence of successful completion of an exam approved by CLARB or the commission and licensure in another state whose requirements for licensure are at least equal to those of this state. Such persons shall be required to pass the Louisiana section of the examination in order to be licensed in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3807, and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 20:639 (June 1994), LR 26:2240 (October 2000).

§107. Application for Examination and Licensure or Permitting

- A. Each applicant must complete the application form prescribed by the commission for the area in the practice of horticulture for which the license or permit is sought.
- B. Retail Florist
 - 1. Applicants who desire to take the examination for retail florist must file the completed application, together with the fee required under §109.A, at the commission's state office in Baton Rouge. The application must be postmarked or received no later than 45 days preceding the scheduled examination date.
 - 2. Any applicant for licensure as a retail florist who successfully completes either the design phase or the written phase of the examination but does not successfully complete both phases of the examination will not be required to submit to re-examination in the phase which was successfully completed. In such cases, the applicant may apply to retake only that portion of the examination which was not successfully completed.
 - 3. Both phases of the examination for licensure as a retail florist must be successfully completed within three years after successful completion of one phase. In any case where more than three years has elapsed since the applicant successfully completed one phase of the examination, the applicant must apply, and pay the fee required under §109.A.1, to retake the entire examination.
- C. Landscape Architect
 - 1. Applicants who desire to take the examination for landscape architect must file the completed application, together with any supporting evidence, official transcript(s), and affidavit(s) as may be necessary, and with the fee required under §109.B, at the commission's state office in Baton Rouge. The application must be postmarked or received by the deadline date established for applying for examination, which date shall be published in a prior issue of the *Louisiana Register*.
 - 2. Any applicant for licensure as a landscape architect who successfully completes one or more of the different sections of the examination but does not successfully complete all sections of the examination will not be required to submit to re-examination in any section which was successfully completed. In such cases, the applicant may apply to re-take only the section(s) of the examination which were not successfully completed.
- D. Wholesale Florist, Arborist, Utility Arborist, Horticulturist, Landscape Contractor
 - 1. Applicants who desire to take the examination for wholesale florist, arborist, utility arborist, horticulturist, or landscape contractor may apply at any time, in person or by

writing, to the commission's state office in Baton Rouge or to any district office of the Department of Agriculture and Forestry. Applicants who apply in person, will be allowed, whenever feasible, to complete the written application form at the initial visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3807, and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 18:249 (March 1992), LR 20:639 (June 1994), LR 23:854 (July 1997), LR 29:1460 (August 2003).

§109. Fees for License or Permit and Renewal Thereof

A. Retail Florist

1. The fee for examination for licensure as a retail florist shall be \$150.
2. The fee for re-examination in the written phase of the examination shall be \$50.
3. The fee for re-examination in any portion of the design phase of the examination shall be \$100.

B. Landscape Architect

1. The fee for examination for licensure as a landscape architect shall be the cost for each section of the examination plus an administrative fee of \$200 for first time applicants and those applying through reciprocity.
2. The fee for re-examination in the various sections for licensure as a landscape architect shall be the cost for each section plus one administrative fee of \$100.

C. Wholesale Florist, Horticulturist, Arborist, Utility Arborist, and Landscape Contractor

The fee for examination or re-examination for licensure as a wholesale florist, horticulturist, arborist, utility arborist and landscape contractor shall be \$50.

D. All fees required under this Rule must be submitted at the same time as the application; failure to submit any required fees will bar the applicant from taking the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3805, and R.S. 3:3806.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982) amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 18:249 (March 1992), LR 20:640 (June 1994), LR 29:2297 (November 2003).

§111. Minimum Examination Performance Levels Required

- A. The minimum performance level for satisfactory completion of all examinations for licensure, except the examination for landscape architect, shall be 70 percent. The minimum performance level for satisfactory completion of the retail floristry exam shall be 70 percent for the written segment and 70 percent for the design segment of the examination.
- B. The minimum performance level for satisfactory completion of the examination for landscape architect shall be the minimum performance level acceptable to the Council of Landscape Architects Registration Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3807 and R.S. 3:3801.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April 1982), amended LR 20:153 (February 1994).

§113. Examination Schedule

A. Retail Florist

1. Examinations for licensure as a retail florist shall be given by the commission at least once during each quarter but may be given more frequently.
2. The commission shall publish the time and location of each examination for retail florist in the issue of the *Louisiana Register* to be published immediately prior to the examination date and shall also disseminate information concerning the scheduled examination to all interested applicants.
3. Re-examination for the written segment of the retail floristry exam will be administered in the commission's state office building in Baton Rouge and in district offices of the Department of Agriculture upon request or at the next scheduled testing site for the retail floristry exam.

B. Landscape Architect

1. The examination for licensure as a landscape architect shall be given by the commission on the date selected for administration of the examination nationally by the Council of Landscape Architects Registration Board.
2. The commission shall publish the time and location selected by the Council of Landscape Architects Registration Board for administration of the examination for landscape architect in an issue of the *Louisiana Register* to be published prior to the scheduled examination date and will disseminate information concerning the scheduled examination to all interested applicants.
3. The Louisiana section of the examination for landscape architect shall be given on the date selected for administration of the examination nationally by the Council of Landscape Architects Registration Board and at no more than one other time during the year, if deemed necessary to the commission based on the number of applicants desiring to take the Louisiana section.

C. Wholesale Florist, Horticulturist, Arborist, Utility Arborist, and Landscape Contractor

Examinations for licensure as wholesale florist, horticulturist, arborist, utility arborist, and landscape contractor will be administered in the commission's state office in Baton Rouge and in district offices of the Department of Agriculture and Forestry upon request. Interested applicants may apply, in person or by writing, at the state office or the most convenient district office and a date for the examination will be established for each applicant.

D. Interim Required Prior to Re-examination

Whenever any applicant fails to successfully complete all phases of an examination for licensure, he may not apply to re-take the section of the examination which was not successfully completed for a period of two weeks following the date of the examination which he failed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3807 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:185 (April 1982), amended LR 14:8 (January 1988), LR 18:250 (March 1992), LR 20:640 (June 1994).

§115. General Requirements for All Licensees or Permittee

- A. All licensees or permittees must cooperate with any representative of the commission in any inspection of the premises and/or any other reasonable request. The giving of a false statement to any representative of the commission by a licensee or permittee shall constitute a violation of this regulation.
- B. The licenses of all licensees regularly assigned to work in any outlet shall be prominently displayed at all times in a location accessible to the general public or any representative of the commission.
- C. The permits of cut flower dealers and nursery stock dealers must be prominently displayed at all times in a location accessible to the general public or any representative of the commission.
- D. All sod sold or installed in quantities of two pallets or 100 square yards or more shall be accompanied by a completed form indicating the type and class of sod. The form shall be specified by the commission and the consumer shall be provided with the completed form at the time of sale or installation. Copies of completed forms shall be kept on file and made available to commission representatives upon request for a period of one year after sale or installation.
 - 1. The types of sod shall be indicated as: Centipede, St. Augustine, Bermuda, Zoysia, Carpet, Mixed, or Other. Bermuda, mixed, or other types shall be specified as to varieties.
 - 2. The classes of sod shall be indicated as follows:
 - a. Class A (Superior Quality)—shall be free from bahia grass, torpedo grass, and Florida betony. Shall not contain more than five plants per 100 square feet of any other grasses, broadleaf weeds, or sedges.
 - b. Class B (Good Quality)—shall be free from bahia grass, torpedo grass, and Florida betony. Shall not contain more than 25 plants per 100 square feet of any other grasses, broadleaf weeds, or sedges.
 - c. Class C (Field Sod)—may include all sod not covered in the Classes A or B above. It may consist of sod lifted from pastures which may have been grown primarily for forages.
 - 3. All sod must be free of insects and diseases and viable at the time of sale or installation.
 - 4. It is the responsibility of the licensee or permittee to provide the proper classification of sod. Any discrepancies will be investigated by a representative of the commission. Any improper classification shall be considered a violation of this Part.
- E. Licensees must display at least one of their license numbers on both sides of all vehicles that have advertisement or signs and are used for business purposes with lettering at least 2 inches high and legible at the distance of 25 feet. The number to be displayed shall be the last four digits of the license number preceded by two letters indicating the type of license as follows:
 - AR - Arborist
 - LA - Landscape Architect
 - RF - Retail Florist

HS - Horticulturist
LC - Landscape Contractor
WF - Wholesale Florist
UA - Utility Arborist

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 20:640 (June 1994), LR 21:548 (June 1995).

§117. Required Standards of Practice

A. General Requirements for Retail Florist

1. All flowers or greenery sold or offered for sale, whether singly, in bunches, or in designs, must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to the general public, save and except when specifically requested by consumer.
2. All nursery stock sold or offered for sale must be fresh and of high quality and free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale to the general public.
3. Coolers from which cut flowers or greenery are sold, or in which cut flowers or greenery are stored prior to sale, must be kept clean at all times. Water in containers must be changed regularly and kept clean at all times.
4. Retail florist shops that lose their licensed florist will be granted a grace period of 90 days of operating without the services of a full-time licensed florist. This grace period shall end 90 days from that date. The purpose of this grace period is to provide the florist shop an opportunity to employ a licensed person. This grace period can only be used once in a 12-month period. Retail florist shops shall cease to engage in the profession of retail florist after the grace period has been exhausted.
5. Retail florists may rent potted ornamental plants for special events such as weddings, conventions, trade shows, etc., if such plants are normally and customarily sold by florists and such plants do not require maintenance, other than normal watering. Plants rented by retail florists for a special event shall be rented only for the duration of that special event.

B. General Requirements for Landscape Architect

1. Without good cause, all designs must make use of plant materials commonly found growing in Louisiana or which are suitable for growth in Louisiana's growing conditions.
2. Licensees must meet the standards established by the Council of Landscape Architects Registration Board.
3. Each landscape architect must obtain a seal of the design authorized by the Commission. The seal shall be placed on all professional documents, including contracts, maps, plans, designs, drawings, specifications, estimates and reports, issued by a licensed landscape architect for use in this state.
 - a. The seal required shall be circular and $1\frac{5}{8}$ inches in diameter. The words "State of Louisiana" shall be along the top circumference and the words "Licensed Landscape Architect" shall be along the bottom circumference. The individual's

name shall be placed horizontally in the center of the field with his registration number below. Letters and figures shall be as shown on the example printed herein to insure uniformity.



- b. A rubber stamp facsimile, which conforms to the official design of the seal described in §117.B.3.a, may be obtained and used in place of the seal by a licensed landscape architect.
 - c. The licensee shall sign his or her legal name on each document and shall then affix his or her seal over that signature. The presence of one's seal over the signature on any document constitutes proof that he or she accepts all legal and professional responsibility for the work accomplished. The seal shall be used only by the licensee responsible to this commission for authorship of the documents thus identified. No person other than the licensee represented shall use or attempt to use the prescribed seal, and no unlicensed person shall be authorized to use the prescribed seal. Authorized use of the prescribed seal is an individual act whereby the licensee must personally inscribe the seal over his or her signature. The licensee is responsible for the security of the seal when not in use.
4. All designs and specifications utilizing sod shall specify the type and class of sod to be used as provided in §115.D and accompanied by the sod classification form specified by the commission.

C. General Requirements for Wholesale Florist

- 1. All flowers or greenery sold or offered for sale must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to persons holding the proper license or permits.
- 2. All nursery stock sold or offered for sale must be fresh and of high quality and free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale.
- 3. Coolers from which cut flowers or greenery are sold, or in which cut flowers or greenery are stored prior to sale, must be kept clean at all times. Water in containers must be changed regularly and kept clean at all times.

D. General Requirements for Horticulturist

- 1. Any nursery stock leased or sold, or offered for lease or sale, must be of high quality and free from injurious insects, diseases, and other pests.
- 2. Nursery stock which is leased must be maintained in high quality and free from injurious insects, diseases, and other pests.

3. All recommendations must incorporate sound horticultural practices.
4. All sod sold or recommended shall be classified as provided in §115.D.
5. Recommendations and maintenance practices shall meet the standards outlined in the *Louisiana Nurserymen's Manual for the Environmental Horticulture Industry* published by the Louisiana Association of Nurserymen.

E. General Requirements for Arborist

1. Licensees may not use climbing irons in any trees which are not to be removed except as provided §117.E.3 hereof.
2. Before the commission issues an arborist's license, the person to be licensed shall first furnish to the commission the following:

A certificate of insurance, written by an insurance company authorized to do business in Louisiana, covering the public liability of the applicant for personal injuries and property damages, providing for not less than \$25,000 per person for personal injuries and not less than \$50,000 for property damages, both limits applicable to each separate accident, provided that the commission may waive the requirement for the stated insurance coverages for any licensed arborist who does not physically work on trees or accept responsibility for work on trees but only provides consultation with respect to work on trees. The certificate of insurance must provide for 30 days' written notice to the commission prior to cancellation.
3. When the characteristics of a tree require the use of climbing irons, the licensee may use climbing irons but only with the prior written permission of the owner of the tree.
4. Licensees shall enter into a written contract with the property owner employing him for arboricultural work, which contract must specify the services to be performed and the sum to be paid for the services. Both parties shall receive a copy of the contract.
5. Licensees may apply pesticides only for the purposes of retarding decay or disease. See also §119.A relative to application of pesticides.
6. Licensees engaged in the feeding of trees must follow proper fertilizer schedules and rates according to label directions. Representatives of the commission may take a sample of the nutrients applied during any tree feeding operation for the purpose of verifying its chemical analysis.
7. Licensees must display their license at all times in a location accessible to the general public or any representative of the commission.
8. Prior to renewal of an arborist license, the licensee shall provide the commission with certifiable evidence of completion of a continuing training seminar which was previously approved by the commission.
9. Recommendations and pruning practices shall meet the standards outlined in the *International Society of Arboriculture Certification Manual* and the *Louisiana Nurserymen's Manual for the Environmental Horticulture Industry* published by Louisiana Association of Nurserymen.

F. General Requirements for Landscape Contractor

1. All nursery stock used in landscaping shall be of high quality and free from any injurious insects, diseases, and other pests.
2. All plant beds must be properly prepared and must allow for proper drainage.
3. All sod used in landscaping shall be classified as provided in §115.D.
4. Licensees must display their license at all times in a location accessible to the general public or any representative of the commission.
5. Landscape contractors who prepare drawings to indicate the planting and location and arrangement of plant materials by that landscape contractor shall place his name, the words "Landscape Contractor," and his license number on each drawing prepared by him. Drawings prepared by a landscape contractor may be used only by that landscape contractor and no one else in connection with the submission of a bid proposal.
6. Recommendations and planting practices shall meet the standards outlined in the *Louisiana Nurserymen's Manual for the Environmental Horticulture Industry* published by the Louisiana Association of Nurserymen.

G. General Requirements for Nursery Stock Dealer

1. All nursery stock sold or offered for sale must be fresh and of high quality and must be free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale to the general public.
2. All indoor nursery stock offered for sale must be displayed or offered for sale under the protection of some type of covering, such as inside a building or under a carport, tent, or canopy, which will protect such plant material from exposure to sun, wind, or rain.
3. A clean source of water must be provided at all times when plants are offered for sale.
4. Nursery stock dealers operating from a mobile unit shall not sell nursery stock within 300 feet of a place of business that holds a nursery stock dealer's permit, nursery certificate permit, horticulture service license, retail florist license or a wholesale florist license.
5. The permit holder must display his permit at all times in a location accessible to the general public or any representative of the commission.
6. All sod sold shall be classified as provided in §115.D.

H. General Requirements for Cut Flower Dealer

1. All flowers or greenery offered for sale must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to the general public, save and except when specifically requested by consumer.
2. A clean source of water must be provided for all flowers or greenery that are offered for sale. Water in containers must be changed regularly and kept clean at all times.
3. The permit holder must display his decal and/or permit at all times in a location accessible to the general public or any representative of the commission.

I. General Requirements for Utility Arborist

1. Licensees may not use climbing irons in any trees which are not to be removed except in remote utility rights-of-way that are inaccessible to tree trimming equipment where no other practical means of trimming the tree is available or as provided in §117.E.3.
2. Before the commission issues a utility arborist license, the person to be licensed shall first furnish to the commission a certificate of insurance as provided in §117.E.2.a.
3. Licensees must make their license available to the public or any representative of the commission at all times.
4. Prior to renewal of a utility arborist license, the licensee shall provide the commission with certifiable evidence of completion of a continuing training seminar which was previously approved by the commission.
5. Recommendations and pruning practices shall meet the standards outlined in the *International Society of Arboriculture Certification Manual* and *Pruning Trees Near Electric Utility Lines—A Field Pocket Guide for Qualified Line-clearance Tree Workers*, by Dr. Alex Shigo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3808, and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185, amended LR 9:410 (June 1983), LR 11:317 (April 1985), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 20:640 (June 1994), LR 27:1832 (November 2001).

§119. Prohibition

- A. No licensee or permittee of the commission may apply pesticides to any properties which are not owned, rented, or leased by the licensee or permittee or persons engaged in any regulated profession or occupation unless such licensee or permittee, or persons engaged in any regulated profession or occupation is properly licensed or certified under R.S. 3:1621-1642 by the Department of Agriculture and Forestry.
- B. Licensees, permittees, or persons engaged in any regulated profession or occupation shall not engage in any fraudulent practices.
- C. Licensees, permittees, or persons engaged in any regulated profession or occupation shall not engage in any false advertisement of any kind.
- D. No licensee, permittee, or persons engaged in any regulated profession or occupation of the commission shall fail to comply with any cease and desist order directed and delivered to said licensee, permittee, or persons engaged in any regulated profession or occupation.
- E. No person, with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title, or an interest therein, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publications, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or radio broadcasts, telecasts, wire, wireless, motion picture, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading.

- F. No licensee, permittee or person engaged in any profession or occupation regulated by the commission shall use the words “design” or “designer” or any form of these words, whether separately or in combination with other words in any advertisement, solicitation or title, or on any estimate, contract or other document, except for those persons who are licensed as a landscape architect or as a retail florist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:186 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 29:1460 (August 2003).

§121. Re-issuance of Suspended, Revoked or unexpired License or Permit

- A. Whenever a license or permit is suspended by the commission, the violations which caused the suspension must be corrected, to the satisfaction of the commission, prior to re-issuance of the suspended license or permit.
- B. Whenever a license or permit is suspended by the commission, the holder of the suspended license or permit must pay the fee required under §109 for renewal of the license or permit prior to re-issuance.
- C. Whenever a license or permit is revoked by the commission:
1. The violations which caused the revocation must be corrected to the satisfaction of the commission prior to re-issuance of the license or permit.
 2. The holder of a revoked license must apply to take and must successfully complete all phases of the examination prescribed for the license.
 3. The holder of a revoked permit must file a complete application prior to a re-issuance of the permit.
 4. The holder of a revoked license or permit who seeks re-issuance thereof must pay the fees prescribed in §109 for the initial issuance of such license or permit.
 5. The relevant requirements of subsections §121.C.1-4 above must be complied with prior to re-issuance of a revoked license or permit.
- D. Whenever a licensee fails to renew a license:
1. If the period of non-renewal is more than three years, but less than or equal to five years, the license may be re-issued upon payment of fees required under L.R.S. 3:3807(D).
 2. If the period of non-renewal is more than five years, he or she must either retake the appropriate exam or petition the commission for re-issuance of the license. The holder of the un-renewed license must provide evidence that they have been active in the appropriate profession during the period of non-renewal. If the commission approves the re-issuance of the license, the license will be re-issued only after payment of fees under R.S. 3:3807(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3811 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:186 (April 1982), amended by the Department of Agriculture & Forestry, Horticulture Commission, LR 26:627 (April

2000).

§123. Clarifications

The restriction against a cut flower dealer locating within 300 feet of an established retail florist shall not apply to cut flower dealers in permanent locations. In addition, cut flower dealers operating from a mobile unit shall not sell cut flowers, within 300 feet of place of business that holds a cut flower dealer's permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3808 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:187 (April 1982).